

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

Thursday, May 24, 1979

2:00 o'clock p.m.

DOYLE G. BERRY,
Chairman

Wildlife and Fisheries
Building, Room 102
400 Royal Street
New Orleans, Louisiana

Kathryn G. Chamberlin,
Reporter



Helen R. Dietrich, inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130 • (504) 524-4787

P R O C E E D I N G S

. . . Pursuant to notice and continuation from May 1, 1979, the meeting of Louisiana Wildlife and Fisheries Commission reconvened at 2:00 o'clock p.m. on Thursday, May ²⁴~~29~~, 1979, in Room 102, Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Doyle G. Berry, Chairman, presiding.

PRESENT WERE:

DOYLE G. BERRY, Chairman
DONALD F. WILLE, Vice Chairman
J. C. FARRELLY, Member
J. C. GILBERT, Member
JEAN LAPEYRE, Member
HARVEY C. LUTTRELL, Member
CHARLES RIGGS, Member

A G E N D A

1. Approval of minutes of March 27, 1979. (4)
DR. LYLE ST. AMANT
2. Request for renewal of permit to remove fill material from the Calcasieu River beds near Lake Charles, Calcasieu Parish, from Tara Bay Company. (4)



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3. Request for a permit to remove fill material (6)
from the Mississippi River at either
Mile 124.75 or at 130.4, dependent upon
availability of fill material, from
Union Carbide Corporation.

4. Setting of the spring shrimp season dates for (7;
Zones I and III. 23;
36)

MR. ALLAN ENSMINGER

5. Discussion of proposed regulations for (18
Atchafalaya Wildlife Management Area. 31)

OTHER BUSINESS

6. Authorize Attorney Peter Duffy to file brief (38
with federal courts re ownership of canals
in Louisiana.

Note: The following items not on the printed
agenda were also considered:

Need for equipment in Enforcement Division. (27)

Hunting regulations for game management (38
areas, upcoming season.

ADJOURNMENT (42



CHAIRMAN DOYLE G. BERRY: Good afternoon. We will call the meeting to order and welcome everybody here today.

The first item of business on the agenda is approval of the minutes of meeting of March 27.

MR. LUTTRELL: I so move.

MR. LAPEYRE: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

Harry, I believe you are going to take Dr. St. Amant's place. He is hung up in Baton Rouge with a budget committee meeting. He called in a while ago.

MR. HARRY SCHAFER: Mr. Chairman, we have a request for renewal of a permit for fill material from the Calcasieu River from the Tara Bay people. They have met all the requirements of their past permit and we would recommend the extension of this permit for the going royalty of



ten cents a cubic yard.

THE CHAIRMAN: Gentlemen, you have heard the recommendation for renewal. Do we have a motion?

MR. RIGGS: I will make the motion.

THE CHAIRMAN: Do we have a second?

MR. LUTTRELL: I will second it.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to TARA BAY COMPANY to remove fill material from the Calcasieu River beds near Lake Charles, Calcasieu Parish, Louisiana,



for a period of one year from May 24, 1979 to May 24, 1980, at a royalty rate of ten cents per cubic yard.

MR. SCHAFER: We have a request from the Union Carbide Company for some fill material in St. Charles Parish around Mile 124 or 130. They need about 300,000 cubic yards for fill material on the Mississippi. Doc has examined the requirements and they seem to meet all the requirements and he recommends that this permit be granted at the going rate of ten cents a cubic yard.

THE CHAIRMAN: Do you move, Mr. Clay?

MR. LUTTRELL: I move.

THE CHAIRMAN: Second?

MR. LAPEYRE: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)



BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to UNION CARBIDE CORPORATION to remove fill material from the Mississippi River at either Mile 124.75 or at 130.4, St. Charles Parish, Louisiana, for a period of one year from May 24, 1979 to May 24, 1980, at a royalty rate of ten cents per cubic yard.

MR. SCHAFER: The next item on the agenda is the setting of the shrimp season for Zones I and III. I have a few slides to bring you up to date on some of the data that has been collected during this period of time from the opening day.

Our Areas 1 and 2 comprise Zone I. Zone III is comprised of our Area 7. That number 7 up there you can see, that is Zone III. This slide shows the average catch in our six foot trawls at our various stations. This is the average catch. You can see in our Area 1 our



average catch in that area runs about 18 shrimp per haul. Area 2 runs up somewhere around 76 shrimp per haul and Area 7 runs a little higher, runs pretty close to 100 shrimp there.

Next slide. This next slide shows the growth rate of the shrimp that we have been catching. Again you can see the extensions. When we presented this data out at the airport motel out there for the hearing, that was the data up to the 17th week. See on the slide, 17th week.

O. K., continuing to measure those shrimp and we are talking about Areas 1 and 2 again, you can see the growth rate of Area 1 has gone up but you can see that they still are running fairly small in Area 1. Area 2, you can see that their rate is pretty much the same but, of course, they are a little bigger. Again, Areas 1 and 2 comprise Zone I. That is east of the Mississippi River.

Area 7, that is Zone III, you can see the size they are. They are kind of small.

Next slide. This is the slide that we showed you when half the shrimp will be over and if you will remember, there is a bottom bar on each



one of those dates. Those are the ones that we had and showed you at the motel at the hearing. The top bar is bringing the data up to date and we predicted at the meeting that on May 7 12 percent of the shrimp would be over the 100 count and by actual measurement at that time, there were 15 percent. The same goes for the May 14 date, when the season was set. We predicted 38 percent and there were actually 40 percent. Down on through, so you can see the prediction and the growth of the shrimp remained pretty constant and estimates were fairly good.

This is the slide that shows the growth and the season, so you can see at June 4 we are predicting about 45 percent of the crop will be over the 100 count. On that May 28 date only 29 percent we are predicting will be over the 100 count. So, if you will keep that slide in mind and we will see the next one.

This is Zone I. You can see that on May 28 42 percent we are predicting will be over the 100 count and by June 4 almost 60 percent, 59 percent will be over, so the 50 percent line falls



somewhere in between May 28 and June 4.

A further breakdown of Area 2, I would like to show you one more slide. This is just Area 2. Remember, we showed you that there were more shrimp in that area, their growth rate was higher and they were bigger, and so this part between the Mississippi Gulf Outlet and the Mississippi River has some good shrimp and over 45 percent of them will be over the 100 count on May 28.

So, I think on Zone III you would almost have to go with the June opening and Zone I falls in between the May 28 and June 4, and I am sure you have some shrimpers here that would like to be heard on that date.

That is my presentation of the up-to-date shrimp data.

THE CHAIRMAN: Thank you, Harry.

At this time the Commission will be glad to hear from anyone who wishes to be heard. We would like for you to come to the podium and state your name and who you represent.

MR. DOUGLAS COUTURE: Gentlemen, I am



Douglas Couture, president of Southeast Louisiana Commercial Fishermen's Association from St. Bernard Parish.

We have some samples here at this time and it would completely contradict Mr. Schafer and what he just said about Zone I. Last night you have some Conservation boys here that caught a fellow that was down in the Delacroix Island area and his shrimp counted 48 count in the bayou, so we can't go along with what the biologists have at this time. We would like to have a May 28 opening, if there is any way possible to do it. We had some samples taken out of the Lake Borgne area but the guys probably got in a little after I left to come on in, but up in the Lake Borgne area we can give you a count on that. It was approximately 70 count. I can't see letting these shrimp go to Mississippi, to let Mississippi have them.

MR. LAPEYRE: How many members in your association?

MR. COUTURE: We have approximately 110 members, paid members. We have approximately 400 to 500 commercial fishermen in the area.



MR. FARRELLY: May I ask you a question? Do you have a problem with May 28 as Memorial Day, a holiday? Is that a problem for you people?

MR. COUTURE: Well, it would be more of a problem for you if you put it on May 29, don't you think?

MR. FARRELLY: I knew that. In other words, you would rather see May 28.

MR. COUTURE: May 28 would be perfect for us. We think our shrimp are harvestable at this time and we have the proof right there in boxes; if any one of you cares to see what they are, I will be glad to show you.

MR. LAPEYRE: 45 count you say?

MR. COUTURE: 48 count in the Delacroix area which covers I would say one-half of the territory. That is west of the ship channel, let's put it that way. East of the ship channel to the Mississippi line, the shrimp are running somewhere approximately 70 to 80 right now.

MR. LUTTRELL: That 70-80 count is pretty small?

MR. COUTURE: Well, you opened the



season across the river for 140 to 150, so I think we are doing pretty good on leaving our shrimp grow this long.

MR. LUTTRELL: I didn't vote to open it.

MR. COUTURE: I am sorry I had to bring it out that way, but that is the way it is, you know.

MR. LUTTRELL: That's right, tell it like it is.

THE CHAIRMAN: I will say this, it was the consensus of everybody in the audience at the meetings I attended that they wanted it opened on that date.

MR. COUTURE: That's right. Everybody around there wants it opened on the 28th, if possible.

MR. LAPEYRE: In spite of the fact that they were 100 to 140, I understand that they were accepted and salable at a pretty nice price.

MR. COUTURE: Right. Right now the 70-80 count shrimp is almost twice the price in money it was last year, so you can use your own judgment as far as dollarwise on the market and the price is



going to go up a little bit more, too. It is climbing.

MR. FARRELLY: Do you see any problem -- you know, today is Thursday and we are talking about opening on Monday -- any problem with that short notice or anything?

MR. COUTURE: No, I think if you get it out to the news media this afternoon, you shouldn't have no problem at all.

THE CHAIRMAN: Mr. Duffy, our attorney, what is the requirement? How many days do you have to have, notice before you open the season?

MR. WILLE: Emergency action, 48 hours, Peter? It is seven days except for an emergency, right? Emergency, we can go 48 hours, if we declare an emergency, under the Administrative Procedures Act. Is that correct? Is there any way we can check?

THE CHAIRMAN: When we were at the Hilton we didn't close that meeting, we just continued it to this meeting, so I guess it would be in order to do it.

FROM THE FLOOR: We do have an emergency.



It is a gas problem. It is going to cut down the price to get out there and get those shrimp and it is important now. The men have already spent money.

MR. WILLE: Well, sir, if you will just give us a few minutes, we will have our attorney check and see if we can do it within the limits of the law.

THE CHAIRMAN: Peter, I believe we left the last meeting open and this is a continuation from the last meeting, and I feel sure it ought to be legal or we wouldn't do it.

MR. DUFFY: I will check on the emergency provisions.

THE CHAIRMAN: All right, sir.

Does anyone else wish to be heard?

Excuse me, were you through?

MR. WILLE: I would just like to say that I am not trying to throw a monkey wrench in anything. I just want to make sure we are legal in opening the thing.

THE CHAIRMAN: That's right.

MR. MARION GAUDET: My name is Marion Bud Gaudet and Wildlife and Fisheries should know



me because I stand behind them anytime anything is dumped in the canals and so forth, and I will be still keeping up with the dumping in canals, to keep our clean waters.

Now the problem is this. We know that they are bootlegging, we know it. Wildlife and Fisheries know it. These shrimp that they are bringing in, these aren't no mini-shrimps. These shrimps are running 25, 35, some 16 and 20. They are there. I think truthfully some of them are going off in the sanctuary where they shouldn't be but a lot of them are outside. But the thing is, take Saturday. We blew \$135 to go down to Empire. You all didn't do it, but that puts us out in the channel where crew boats can cut us in half at night. Here we are, close to shrimping areas and so forth where we know we have got big shrimp. We know they are bringing them in and so forth.

The only thing I ask is don't deny us this opportunity to go out there and at least help pay for our expenses. I can tell you right now it cost \$1,500 in the past week, another \$1,500,



that's \$3,000, so if these shrimps are marketable, I would like to see the season opened really. I mean that is a real hardship on us, it is.

Thank you very much.

THE CHAIRMAN: Thank you, Mr. Gaudet.

Does anyone else wish to be heard?

MR. FARRELLY: Anybody in disagreement in the audience with these two gentlemen who spoke?

MR. LAPEYRE: I wonder, do we have a problem? According to Harry's data there, and apparently there is nobody in here from Zone III --

FROM THE FLOOR: Yes, we are.

MR. LAPEYRE: Charlie, I think you probably were the source of most of the data that was presented and it wouldn't make much sense to open Zone III on May 28. Does that create a problem? All I am trying to find out is can we open these two zones at different times?

MR. WILLE: Charlie can tell you.

THE CHAIRMAN: The Chair will make a ruling you can.

MR. RIGGS: All the input we got in Zone III was for June 4.



THE CHAIRMAN: Anybody in here from Zone III?

MR. LAPEYRE: We don't have many shrimpers on Zone III earlier than the 4th.

MR. WILLE: Jean, Charlie says he has got the input for June 4 and if anybody asks, we will just say Charlie Riggs said so.

THE CHAIRMAN: Charlie has the input and he is from Zone III, so we will put the monkey on his back and let him ride.

MR. RIGGS: I had some shrimpers call me and that is the date they requested, June 4, and the biologists recommend it and that is what they want to go along with.

THE CHAIRMAN: Gentlemen, I am going to wait until Mr. Duffy gets back to make sure we are on legal grounds. I am reasonably sure we are.

Allan, let's go ahead. We will wait until Peter gets back and gives us the information.

MR. ALLAN ENSMINGER: Gentlemen, the regulations that I have passed out to you are not for action today. They are just for your review. We will have to take action on these at a later



meeting but we did need to discuss them in public so that they can be run in the State Register under the Administrative Procedures Act.

I think if you will review these things you will find that they are almost identical to the regulations that govern our Salvador and Point au Chien Wildlife Management Areas except for the fact that we are recommending that commercial fishing be permitted throughout the Atchafalala Delta Wildlife Management Area.

This is the tract of land that we leased from the Department of Natural Resources about a year ago. It encompasses 125,000 acres of Atchafalaya Bay. There are only about 11,000 or 12,000 acres of accreted land out in the Bay at this time and most of that land has been built up as a result of the Corps of Engineers maintaining the navigation channel into the mouth of the Atchafalaya.

Johnny Tarver has a map here showing generally the boundaries of it. It encompasses, as I say, the entire Atchafalaya Bay, runs across from Point au Fer south of the Eugene Island light



on a line with South Point on Marsh Island to about a point south of Point Chevrueil over in St. Mary Parish.

We anticipate that this will be one of the most dynamic areas on the North American continent in years to come. We have got a satellite photograph here or high altitude infrared, actually, that shows some of these accreted mud flats that are building up out there on the area. Of course, they are excellent waterfowl hunting sites. This is the Atchafalaya mouth over there going up toward Morgan City and this is the navigation channel going down to the southeast out toward Eugene Island.

These red spots on there are vegetation growing on mud flats and of course these are ideal waterfowl areas. That area wintered about 100,000 ducks last year, so as you can imagine, it will be a very attractive public outdoor recreation-type area. We have made provisions in the regulations for primitive campsites to accommodate people that want to go out there and tent, camp on these spoil banks, and also a place to tie up little houseboats



or outboards overnight to camp in.

We think that these regulations will be very lenient and permit people to utilize the area. We do have a restriction in there for the use of air boats and of course would restrict the use of dogs to waterfowl retrievers at this time.

I would like to leave those with you all and we will take action on them at a later board meeting, either in June or July.

THE CHAIRMAN: Thank you very much, Allan.

Did not the State lease some land out in that area at one time? Didn't Senator Thompson or somebody lease some lands out there to some people where they have got camps now?

MR. ENSMINGER: Yes, there are three existing campsite leases on the game management area and they do expire this fall, and the people that have the campsites have contacted us. We have been back and forth with them and they are in the process of removing those from the game management area.

A young boy by the name of Tuminello called me yesterday and said they were starting to



tear their camp down this week, in the process of moving them off, and there was one camp boat tied up in the area. It broke loose and we caught it for the man about halfway out in the Gulf of Mexico and towed it back inside, and he came to pick it up. They are moving them off the area and then these people will either be permitted to build themselves a campboat and moor it in there in the canal system to hunt off or use the spoil banks to camp on.

THE CHAIRMAN: We are not going to put up any facilities for them to tie up to, is that right?

MR. ENSMINGER: Well, we are going to put some pilings up along the edge of the bank where they will have a place to tie up and get in out of the passes. You are from that area, Mr. Doyle, and you are quite aware of the need for a place to moor up safely in these northwesterners that come through in the wintertime. We have winds that whip across that thing in the wintertime at 60-70 miles an hour winds, and a man out there in a boat certainly needs some kind of secure place



to get into shelter to weather those storms.

Now our Department had an old building that was left on Salvador and we have renovated that thing and moved it down there and placed it on one of the spoil banks for a temporary headquarters type of facility, so it does gives us a little base of operations and our man who works out there a place to get in out of the weather and render some assistance to these duck hunters, eventually. Half of them that come out there will break down --

THE CHAIRMAN: Or get lost.

MR. ENSMINGER: -- or get lost, or both.

THE CHAIRMAN: Thank you, Allan.

MR. WILLE: Mr. Chairman, on the advice of the attorney I would like to make a formal motion that we go ahead and open up the shrimp season in the areas other than -- what areas were we talking about?

THE CHAIRMAN: One and Three are the two areas.

MR. WILLE: That the Zone I area be opened the 28th of May and that we open up Zone III



on June 4. Is that motion in order?

MR. LUTTRELL: I second.

THE CHAIRMAN: We have a motion and a second. Is there any discussion on it?

MR. FARRELLY: Did we get input from Peter Duffy?

MR. WILLE: Everything is cool. We just checked the law. That is what we just got through doing, Jim, I am sorry.

MR. FARRELLY: I missed that part.

MR. WILLE: I said after the advice of Mr. Duffy. Anyway, the motion is on the floor. It has been seconded by Mr. Luttrell.

THE CHAIRMAN: Any further discussion?

(No response)

I will call for a vote. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

MR. GILBERT: Doyle, should you set a time?

THE CHAIRMAN: Six o'clock in the morning I think is standard. We should put it in



maybe in the motion.

MR. WILLE: O. K., 6:00 a.m. Amend it to read 6:00 a.m.

THE CHAIRMAN: So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, this was a continuation of the meeting of May 1, 1979, which set the season in Zone I, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has reviewed the requests of the fishermen, industry and sportsmen, as well as the biological predictions and recommendations of the biologists of the Seafood Division,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby declare the 1979 spring brown shrimp season to be as follows:

ZONE I - Mississippi State Line



to South Pass, at the mouth of the Mississippi River, including Lake Pontchartrain, opens May 28, 6:00 a.m.

ZONE III - Western shore of Vermilion Bay to the Sabine River/ Texas State Line, opens June 4, 6:00 a.m.

BE IT FURTHER RESOLVED that the Secretary be and is hereby authorized to extend and to close the season after the 50-day period.

BE IT FURTHER RESOLVED that the season be either extended or closed depending upon available technical data concerning the presence or absence of small white shrimp.

THE CHAIRMAN: Thank you for your interest. If you guys don't come up and tell us what is going on in a lot of areas, we don't always get the input.

MR. WILLE: I don't want you coming in the 29th now and telling us --



THE CHAIRMAN: Well, we are catching a lot of flak now, we opened Zone II too early they are telling us now because there are too many small shrimp. At the meeting across from the airport, every head in there wanted to open it.

MR. COUTURE: We have another problem down in St. Bernard Parish, too, and that is enforcement, especially with four trawls. There is a lot of four trawls working in our area down there and it seems as though we can't get no help out of the Enforcement Division, mostly because they don't have the boats to get out there at the time. I think that is one of their major problems. I don't know if your enforcement division has brought it up to you before but the way I understand is they haven't got a big enough boat to run it to Breton Sound at night to catch these violations.

I would like to ask if we could get some type of help, either you all recommend it to the legislature or we recommend it to the legislature that you all get some help in this Enforcement Division.



MR. WILLE: Junior, get up there and answer the man.

THE CHAIRMAN: I went before the Budget Committee a month or so ago and begged for more money than we had in the budget and they recommended that the Secretary at that time resubmit the budget at a later date with more money for this purpose.

MR. COUTURE: I hope we get some relief pretty soon.

MR. WILLE: Is there something we can do to help on this situation, Junior?

MR. VINCENT PURPERA: Well, I tell you, we have been getting good cooperation from these other divisions and we have been borrowing other boats. I know we have had some trouble with some violations but Mr. Couture can tell you we have been on top of it pretty well, I think.

MR. WILLE: I tell you, it is a sad day when we have got to borrow boats for the Wildlife and Fisheries to go out and enforce the law.

THE CHAIRMAN: We are borrowing boats from our own Department.



MR. WILLE: I know it.

THE CHAIRMAN: But we still need some more boats.

MR. WILLE: We have got to have some, that is all.

THE CHAIRMAN: I made that very, very plain to the Budget Committee in Baton Rouge I guess about a month ago and they were very receptive to it and they suggested to our Secretary that he resubmit the budget with additional funds in there for this purpose.

MR. WILLE: Did you get in on the amended budget for a boat for that particular purpose, Junior, or do you know?

MR. PURPERA: Well, we haven't got our amended budget yet. It hasn't been approved.

MR. WILLE: But I say did you put in for it?

MR. PURPERA: Yes, if we do get our budget approved we will have enough money to buy a boat.

MR. WILLE: Good.

MR. FARRELLY: In the meantime do you have



any plans to go check the area like he has requested or can you get a boat to check that area?

MR. PURPERA: Oh, yes, we have boats available now from other divisions when we need them, and I think he can tell you that we have been on top of it pretty well. Every time he has called me I think we have made a case. Is that right, Mr. Couture?

MR. COUTURE: Right.

MR. WILLE: Thank you, Junior.

MR. RIGGS: Mr. Chairman, while we are talking about boats, we also need some of our agents equipped with some winches and some four-wheel drives because oftentimes they get bogged in the woods while the crooks are going on across, cutting through with a four-wheel drive and they are bogged and they have got to walk or get out and get somebody to pull them out, so that is another area we need to explore.

THE CHAIRMAN: I agree with you, Mr. Riggs. As I said a while ago, I made a passionate plea to the Budget Committee a month ago. There were some people who didn't think we needed it and



were kind of opposed to it, and that is from my own camp, not from the Budget Committee, but I do think we will get some relief and get some more equipment.

Under Other Business, we have authorize Peter Duffy to file a brief with the federal court re ownership of canals in Louisiana.

Yes, sir.

FROM THE FLOOR: I did want to ask a few questions about the Atchafalaya Wildlife Management Area.

THE CHAIRMAN: Yes, sir. Would you please come to the podium and state your name?

MR. ORY MIGUEZ: I am Ory Miguez from Franklin, Louisiana, St. Mary Parish. There is a little confusion here in our area. Is this Atchafalaya Wildlife Management Area, is this taking in what was called Attakappas Game Management Recreation Area?

MR. ENSMINGER: No, this is across from the shoreline out into the Gulf.

MR. MIGUEZ: I saw it on the map and I just wanted to clarify this because we are all



concerned about this area with hunting. I presume that this meeting is going to take in some of these regulations also. I have a feeling now that it is just an area in the Atchafalaya Bay.

Well, has there been any discussion of the rules and regulations in the Attakappas Recreation Area yet? For this coming hunting season?

THE CHAIRMAN: Joe?

MR. HERRING: Not yet. Mr. Chairman, those will come up as far as our rules and regulations when we do have our meeting for setting the hunting seasons on the various wildlife management areas that we are having our public hearings on now. This Attakappas area has been turned over to us from the Atchafalaya Basin Council which went under State Parks and they have turned it over to us now for operation. We are working with them and trying to get all the final paper work, you might say, to give it to us.

There were some camps on it. We are getting those removed. There are some leases still outstanding on some camps that we will have to let those expire to get off. There are about



five of those on it. But as far as rules and regulations, those will be taken up when your committee meets in setting our hunting regulations, probably about the sixth day of June. That is when we would like to meet with that group and set the seasons.

We haven't set any seasons. We haven't done anything on Attakappas area yet. In fact, if you have got any input in it, we would like to have it, and that is one reason -- if you can't make that meeting tonight and he has some input to put into it, we will take it now.

THE CHAIRMAN: Well, sure. I have known Mr. Miguez for years. I didn't recognize him when he first got up there. He and the lieutenant governor used to do a lot of fishing together in our part of the country. He comes from Franklin. I apologize, I didn't recognize you. I don't see you very often.

MR. HERRING: We will take his input if he can't make it tonight. We will take his input now.

THE CHAIRMAN: Real good. He is an ardent



fisherman and a sportsman and a good one.

MR. MIGUEZ: Well, I was concerned because we do hunt in this area and the reason I am here is, if you gentlemen will take into consideration the terrain and let us continue using our dogs for a certain length of time during the season, we will greatly appreciate it, because we get as much enjoyment out of hunting with our dogs as the rabbit hunter does with his or the duck hunter with his retriever.

Now I understand it is almost a blanket order that there is no dog hunting on most of the game management areas. Now this particular area is very unique. We call them sloughs and gullies and shoots and that and they are all over in that area, so it is difficult to cross the terrain and get a good likely spot to do still hunting.

Now the other thing that I think is you all know this area is going to be flooded for approximately six months. Since 1973 it has been from three to six months flooding continuously. Now the vegetation takes maybe a month and a half to two months to grow again. Therefore, I see no



way that we are going to have a tremendous amount of deer under the situation we have now, and when there isn't any deer, the only way to maybe successfully make a hunt is to have the help of dogs, so if you will consider this when you all make your rules and regulations, I would appreciate it.

We have probably ten groups of hunters that use dogs in this area and we all use dogs, so this is why I am up here today. I thought maybe it would take in this particular area also.

Thank you.

THE CHAIRMAN: Thank you, Mr. Miguez.

MR. FARRELLY: Can I ask him a question?

THE CHAIRMAN: Yes, sir.

MR. FARRELLY: What would you prefer as far as opening the hunting season? Would you like a late season, early season, split season, or how, the hunting season in general?

MR. MIGUEZ: It was beautiful last year.

THE CHAIRMAN: -Are you talking about the deer season or the duck season, Jim?

MR. FARRELLY: I am just talking about hunting seasons. Well, really I am talking about



duck seasons, primarily.

MR. MIGUEZ: I am not that much of a duck hunter. I would say one other thing that happened to us this last year in this area. The trapping season started two weeks before the deer hunting season ended. There were some trappers from the Catahoula area, which I understood you were supposed to run your traps every day, well, they came in about every three days, so we had three dogs with a foot cut off and one we never did find. So, again, if you could consider that and don't overlap the seasons, if possible, if you are going to allow us to hunt with dogs at all.

Thank you.

THE CHAIRMAN: Thank you, sir.

Does anyone else wish to be heard?

MR. GAUDET: Please, one thing more.

Beings we are starting so late with this Zone I and as the shrimp grow a millimeter a day, another month we will be in good shape. In the future would you hold it in mind that we are still out there and these shrimp get a pretty good size and could you look beyond the scope, the imagination,



of the closing date. We want to run it something like 55 days and we have only got something like 40-some-odd days to go. So, would you take into further consideration to extend it because we are starting later on this side of the river? That is very important.

THE CHAIRMAN: We will take that under advisement, yes, sir.

MR. GAUDET: O. K., thank you.

THE CHAIRMAN: Thank you, sir.

MR. GAUDET: Thank you for your time and I have to go rig right now.

THE CHAIRMAN: Good, good to see you.

Anything else to come before the Commission this afternoon?

Mr. Duffy, I believe you are next on the agenda.

MR. DUFFY: What about Allan?

MR. WILLE: Allan has been up, Peter.

THE CHAIRMAN: We sneaked him in between while you were out checking the law for us. The brief in the federal court for the ownership of canals in Louisiana. Item 6.



MR. DUFFY: Oh, yes. There is presently pending in the United States Supreme Court a case that originated here in the State of Louisiana entitled Vermilion Corporation adverse Norman Vaughan. It involved a lawsuit in which Vermilion Corporation attempted to have an individual enjoined from using private canals on extensive acreage that they had under lease from Exxon. These canals had been actually constructed and put on the land by Exxon and I think Vermilion Corporation uses the land under lease for hunting and trapping and those related type activities.

The lawsuit was decided in their favor at the trial level. It was also decided in their favor on appeal in Louisiana. In the meantime there was another federal decision that arose in Hawaii in the Ninth Circuit Court of Appeals of the federal system, in the U. S. versus Aetna-Kaiser case. It arose in a lagoon area in Hawaii where a private developer had developed this lagoon into a marina. The sum total of that particular decision was that the development, although it was privately owned, because it stayed navigable,



the body of water itself, it was then considered part of the navigation system, interstate navigation system, and as such open to public use, although the marina might be private insofar as leasing slips and that kind of thing, but they couldn't prohibit people from using this body of water for navigation purposes.

As a result of that decision, the Supreme Court I think granted writs to Vaughan in the state court case, Vaughan vs. Vermilion Corporation, and the Vermilion Corporation attorney, Mr. Silas Cooper, has advised various interested bodies like the Audubon Society and the Wildlife and Fisheries Commission that since they are in many respects similarly situated with extensive land holdings and management areas and preserves where there are networks of canals traversing them, some of which are navigable and probably would qualify as interstate navigation bodies of water, that they join him in filing what we call amicus curiae briefs to the Supreme Court in order to advise the court the extensive impact that an unfavorable decision in reversing the Vaughan case could have on our



management areas.

For that reason, I think he discussed this case at some length with Allan Ensminger, and we are asking permission to go forward and file an amicus curiae brief in this case. I think the deadline is around June 14.

I have attempted to speak with Mr. Cooper and discuss with him exactly the nature of the brief that he thinks would be most beneficial. I haven't been successful in reaching him but I hope to do so sometime this week, if it is going to be approved by the Commission to do so.

Cooper feels that it can have a very salutary effect, the more people that you have filing these types of briefs in support of the position that they are maintaining, that it would be most beneficial.

THE CHAIRMAN: Gentlemen, you have heard the recommendation. Do we have a motion?

MR. RIGGS: I will make the motion.

THE CHAIRMAN: We have a motion. Do we have a second?

MR. LUTTRELL: I second.



THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

Is there any other business to come before the Commission this afternoon? Yes, sir.

MR. ROBERT DENNIE: Yes, Mr. Berry, I realize you are getting ready to adjourn and I wanted to bring this point up before you do adjourn.

We have set up here, ready to go, the alligator film that has just been released. The only other showing we have had of this was Allan Ensminger, Ted Joanen took it to Costa Rica for the alligator hearing that was held there, and we were scheduled to have our premiere at four o'clock this afternoon, but realizing that your time was so valuable, if you would like, as soon as the meeting is over, we can flip the projector on. It runs 24 minutes. You are the people that we really want to see this film.

THE CHAIRMAN: Does anyone else have



anything to say? If not, the meeting stands adjourned. Flip it.

MR. WILLE: Bob, can we invite the people that are here that want to see it?

MR. DENNIE: Sure.

THE CHAIRMAN: We do have a meeting at the Hilton this evening, not the Hilton, the Gateway Motel on North Causeway to take input on the hunting season.

(Whereupon, at 3:00 o'clock p.m.
the meeting was adjourned.)

Kathryn G. Chamberlin,
Reporter.



C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing (42 pages of typewritten matter) is a true and correct transcription of the tape recording and of the stenographic notes of the proceedings herein, transcribed by me, at the time and place hereinbefore noted.

New Orleans, Louisiana, this 19th day of
June, 1979.

Kathryn G. Chamberlin
Kathryn G. Chamberlin,
Reporter.

